

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

KYLE BENGSTON,)
)
Plaintiff,)
)
vs.) 3:06-cv-00569-MEF
)
DAVID BAZEMORE, O. D., AND)
WAL-MART STORES, INC.,)
)
Defendants.)

QUALIFIED PROTECTIVE ORDER

In accordance with the requests of counsel for all parties, the parties are hereby granted the right, upon compliance with the applicable discovery provisions of the Federal Rules of Civil Procedure, to obtain from health care providers, health plans, other entities covered by the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936 (1996)(“HIPPA”), and drug testing laboratories, any and all information relating to the past, present, or future medical condition of **Kyle Bengston**, as well as any and all information relating to the provision of health care, drug testing, drug and alcohol rehabilitation, and mental health services, to such individual and payment for the provision of same. The specific description of such health information to be used and/or disclosed is as follows:

All medical and health care records, including, but not limited to, doctors’ notes, nurses’ notes, office notes, summary sheets, emergency records, history and physicals, admission records, examination records, consultation records, surgeons’ records, medication records, discharge summaries, pathology reports, laboratory reports, hair testing reports, drug testing reports, chain of custody reports, litigation package reports, personal notes, incident reports, test records and results, psychiatric records,

psychological records, alcohol and substance abuse records, records regarding HIV, AIDS, Hepatitis and sexually transmitted diseases, bills, claims, remittances, insurance records, consents for treatment, correspondence, memoranda, evaluations, writings of any kind or any other papers concerning any treatment, examination, periods or stays of hospitalization, confinement, diagnosis or other information pertaining to and concerning my physical or mental condition.

This Protective Order is intended to assist the parties to this action, and third parties who received subpoenas from the parties to comply with the privacy requirements imposed upon protective health information by HIPAA and regulations promulgated hereto, as well as any other confidentiality obligation. The parties are expressly prohibited from using or disclosing the health information obtained pursuant to this order for any purpose other than this action. Further, the parties are ordered to either return to the covered entity for whom or which such protected health information was obtained, or to destroy the protected health information (including all copies made), immediately upon conclusion of this action. See 45 C.R.F. § 164.521(e)(1)(v).

APPROVED and SO ORDERED this the 21st day of December, 2006.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
United States Magistrate Judge